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EXAMINER

COLON, CATHERINE M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 08/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/385,414

Applicant(s)

POAGE ET AL.

Examiner

C. Michelle Colon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the communication received on May 22, 2002. Claims 1 – 24 are now pending in this application.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day et al. (U.S. 5,857,175) and Simons et al. (U.S. 6,230,143).

As per claim 1, Day et al. discloses a method for creating a marketing initiative comprising the steps, performed by a processor, of:

inputting offer parameters for a new initiative, including an initiative time period and an initiative description (col. 3, lines 60 – 62; col. 7, lines 13 – 26; The reference discloses inputting offer parameters for new initiatives, including when the offer is to expire.); and

associating customer selection criteria with the offer parameters (col. 3, line 62 – col. 4, line 24; col. 7, lines 18 – 22; The reference discloses associating various customer selection criteria such as brand loyalty, purchasing frequency and other criteria with the offer parameters.).

While Day et al. discloses determining which initiatives were effective (col. 8, lines 9 – 17), Day et al. does not expressly disclose determining a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests; and providing a result indicating the effectiveness of the new initiative.

Simons et al. discloses determining a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests (col. 3, lines 56 – 62; col. 9, lines 15 – 21, 37 – 40, 51 – 58 and 62 – 67; The references discloses predicting the likelihood that a new initiative will be effective using stored statistics based on characteristics from past initiatives such as purchasing trends, group buying behavior and individual price sensitivity.); and

providing a result indicating the effectiveness of the new initiative (col. 9, lines 51 – 58; The reference discloses providing the results indicating the effectiveness of new initiatives via transaction reports.).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to determine a likelihood that a new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests and provide a result indicating the effectiveness of the new initiative because doing so provides businesses with historical and proven support for developing effective and successful marketing campaigns (Simons et al., col. 9, lines 53 – 55; col.

10, lines 2 – 6). Furthermore, it is old and well known in the art to use historical statistics to predict a likelihood of success of a marketing offer.

As per claim 2, Day et al. discloses the method of claim 1, further comprising the step of:

storing the new initiative in a database (col. 3, lines 23 – 28).

Day et al. does not expressly disclose storing the new initiative based on the result.

Simons et al. discloses storing the new initiative based on the result (col. 9, lines 37 – 51; Figures 1 and 5).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to store the new initiative based on the result because doing so allows businesses to maintain and monitor information about the effectiveness and success rate of initiatives, which ultimately allows them to develop improved marketing strategies.

As per claim 3, Day et al. discloses the method of claim 1, wherein said initiative time period includes an effective date and an expiration date (Figures 2 and 3).

As per claim 4, Day et al. discloses the method of claim 2, wherein said database is at least one of a decision support subsystem (DSS) database and a runtime offer database (col. 3, lines 23 – 28).

As per claim 5, Day et al. discloses the method of claim 2, further comprising:  
determining an impact of the new initiative on other initiatives stored in the database (col. 6, lines 1 – 12; col. 7, lines 32 – 36; The references discloses a

possibility for excluding certain special offers from broadcast if it is determined that other offers will be more valuable to certain customers.).

As per claim 6, Day et al. discloses the method of claim 4, further comprising the steps of:

determining whether the new initiative is to be put into effect immediately (col. 9, lines 1 – 26; Figures 1 – 3 and 5; The reference discloses determining what action should be taken on an initiative based on the status of the initiative.);

storing the new initiative in the runtime offer database based on the determination that the new initiative is to be put into effect immediately (col. 3, lines 23 – 28; col. 9, lines 1 – 26); and

storing the new initiative in the DSS database based on the determination that the new initiative is not to be put into effect immediately (col. 3, lines 23 – 28; col. 9, lines 1 – 26).

As per claim 7, Day et al. discloses the method of claim 6, further comprising the step of:

applying data from the DSS database to the runtime offer database periodically in a time-initiated load cycle (col. 3, lines 57 – 58; col. 7, lines 13 – 26; The reference discloses setting up the initiatives and “staging” the initiatives, or applying decision criteria to the initiatives, prior to placing the initiatives into effect.).

As per claim 8, Day et al. discloses the method of claim 4, further comprising:

receiving, at a runtime offers subsystem, a sales request from a marketing host (col. 6, lines 13 – 19; The reference discloses receiving a sales request at check-out,

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associating a purchased product with a customer account, and determining whether a special offer is available for that product.);

extracting key values from said sales request, said key values including customer selection criteria (col. 6, lines 19 – 33);

creating key structures using said key values (col. 6, lines 19 – 33);

compressing said key structures into a series of key-paths (col. 6, lines 19 – 33);

and

searching said runtime offer database using the key-paths to determine an initiative that is most relevant to the sales request (col. 6, lines 19 – 33; The reference discloses applying special initiatives to the customer's total if a purchased product has a corresponding special initiative.).

As per claim 9, Day et al. discloses the method of claim 8, further comprising:

sending the most relevant initiative to the marketing host (col. 6, lines 19 – 49;

The reference discloses downloading relevant initiatives from the database.);

presenting the most relevant initiative to a customer (col. 6, lines 19 – 49; The reference discloses presenting to the customer the most relevant initiative.); and

tracking initiatives that are presented to customers to assist in market analysis (col. 14, lines 46 – 58; The reference discloses tracking the purchase history of the customer, including whether or not the customer accepted an initiative.).

As per claim 10, Day et al. discloses a sales manager system including a sales manager workstation for creating a marketing initiative comprising:

a sales manager workstation controller including means for entering offer parameters for a new initiative and means for associating customer selection criteria with the offer parameters (col. 3, lines 23 – 56).

While Day et al. discloses determining which initiatives were effective (col. 8, lines 9 – 17), Day et al. does not expressly disclose a trend analysis unit using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests to determine a likelihood that the new initiative will be effective, wherein a result is provided indicating the effectiveness of the new initiative.

Simons et al. discloses a trend analysis unit using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests to determine a likelihood that the new initiative will be effective (col. 3, lines 56 – 62; col. 9, lines 15 – 21, 37 – 40, 51 – 58 and 62 – 67; The references discloses predicting the likelihood that a new initiative will be effective using stored statistics based on characteristics from past initiatives such as purchasing trends, group buying behavior and individual price sensitivity.), wherein

a result is provided indicating the effectiveness of the new initiative (col. 9, lines 51 – 58; The reference discloses providing the results indicating the effectiveness of new initiatives via transaction reports.).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to determine a likelihood that a new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests and provide a result indicating the effectiveness of the new initiative



because doing so provides businesses with historical and proven evidence to develop effective and successful marketing campaigns (Simons et al., col. 9, lines 53 – 55; col. 10, lines 2 – 6). Furthermore, it is old and well known in the art to use historical statistics to predict a likelihood of success of a marketing offer.

As per claim 11, Day et al. discloses the sales manager system of claim 10, wherein the new initiative is stored in a database (col. 3, lines 23 – 28).

Day et al. does not expressly disclose storing the new initiative based on the result.

Simons et al. discloses storing the new initiative based on the result (col. 9, lines 37 – 51; Figures 1 and 5).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to store the new initiative based on the result because doing so allows businesses to maintain and monitor information about the effectiveness and success rate of initiatives, which ultimately allows them to develop improved marketing strategies.

As per claim 12, Day et al. discloses the sales manager system of claim 11, wherein the database is at least one of decision support subsystem (DSS) database and a runtime offer database (col. 3, lines 23 – 28; The reference discloses that each computer includes a database of special offers including customized targeted offers to be made to certain customers based on the targeting parameters.).

As per claim 13, Day et al. discloses the sales manager system of claim 11, further comprising:

an impact analysis unit for determining an impact of the new initiative on other initiatives stored in the database (col. 6, lines 1 – 12; col. 7, lines 32 – 36; The reference discloses a possibility for excluding certain special offers or changing the quantity of certain special offers from being shown if it is determined that other offers will be more valuable (provide a greater discount) to certain customers.).

As per claim 14, Day et al. discloses the sales manager system of claim 12, further comprising:

means for determining whether the new initiative needs to be put into effect immediately (col. 9, lines 1 – 26; Figures 1 – 3 and 5; The reference discloses determining what action should be taken on an initiative based on the status of the initiative.);

means for storing the new initiative in the runtime offer database based on the determination that the new initiative is to be put into effect immediately (col. 3, lines 23 – 28; col. 9, lines 1 – 26); and

means for storing the new initiative in the DSS database based on the determination that the new initiative is not to be put into effect immediately (col. 3, lines 23 – 28; col. 9, lines 1 – 26).

As per claim 15, Day et al. discloses the sales manager system of claim 14, wherein data from the DSS database is applied to the runtime offer database periodically in a time-initiated load cycle (col. 3, lines 57 – 58; col. 7, lines 13 – 26; The reference discloses setting up the initiatives and “staging” the initiatives, or applying decision criteria to the initiatives, prior to placing the initiatives into effect.).

As per claim 16, the sales management system of claim 12, further comprising a runtime offers subsystem, said runtime offers subsystem including:

a runtime offer compiler connected to the DSS database, said runtime offer compiler including means for extracting new and updated initiatives from the DSS database and means for transferring said new and updated initiatives to the runtime offer database, wherein said runtime offer database is part of the runtime offers subsystem (col. 10, lines 19 – 29; Figures 5 and 8; The reference discloses inserting special offers from the offers database into the (runtime) database where the offers will be put into effect for each qualifying customer.); and

a runtime offer evaluator connected to the runtime offer database, said runtime offer evaluator including means for extracting key values from a sales request received from a marketing host, means for creating key structures using said key values, means for compressing said key structures into a series of key-paths, and means for searching said runtime offer database using the key-paths to determine an initiative that is most relevant to the sales request (col. 6, lines 13 – 19; The reference discloses receiving a sales request at check-out, associating a purchased product with a customer account, and determining whether a special offer is available for that product.).

As per claim 17, Day et al. discloses a sales manager of claim 16, wherein said runtime offer evaluator further comprises:

means for sending the most relevant initiative to the marketing host (col. 6, lines 19 – 49; The reference discloses showing customers the most applicable special offers based on the customer criteria, the product, and the targeted offer parameters.); and

means for tracking initiatives that are presented to customers to assist in market analysis (col. 14, lines 46 – 58; The reference discloses tracking the purchase history of the customer, including whether or not the customer accepted an initiative.).

As per claim 18, Day et al. discloses a sales manager system comprising:  
a sales manager workstation for creating a marketing initiative, said sales manager workstation including a sales manager workstation controller including means for entering offer parameters for a new initiative and means for associating customer selection criteria with the offer parameters (col. 3, lines 23 – 62; col. 7, lines 13 – 26; The reference discloses inputting offer parameters for new initiatives.), and an impact analysis unit for determining an impact of the new initiative on the other initiatives stored in a database (col. 6, lines 1 – 12; col. 7, lines 32 – 36; The reference discloses a possibility for excluding certain special offers or changing the quantity of certain special offers from being shown if it is determined that other offers will be more valuable (provide a greater discount) to certain customers.);

a decision support system (DSS) database connected to the sales manager workstation for storing the new initiative (col. 3, lines 23 – 62);

a runtime offers subsystem connected to the DSS database for using information from a customer request to determine a most targeted initiative (col. 6, lines 13 – 49);  
and

a marketing host connected to the runtime offers subsystem, said marketing host including means for sending customer requests to the runtime offers subsystem (col. 10, lines 19 – 29; Figure 5).

While Day et al. discloses determining which initiatives were effective (col. 8, lines 9 – 17), Day et al. does not expressly disclose a trend analysis unit using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests to determine a likelihood that the new initiative will be effective.

Simons et al. discloses a trend analysis unit using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests to determine a likelihood that the new initiative will be effective (col. 3, lines 56 – 62; col. 9, lines 15 – 21, 37 – 40, 51 – 58 and 62 – 67; The references discloses predicting the likelihood that a new initiative will be effective using stored statistics based on characteristics from past initiatives such as purchasing trends, group buying behavior and individual price sensitivity.).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have a trend analysis unit using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests to determine a likelihood that the new initiative will be effective because doing so provides businesses with historical verification in order to develop effective and successful marketing campaigns (Simons et al., col. 9, lines 53 – 55; col. 10, lines 2 – 6). Furthermore, it is old and well known in the art to use historical statistics to predict a likelihood of success of a marketing offer.

As per claim 19, the sales manager system of claim 18, wherein said runtime offers subsystem comprises:

a runtime offer compiler connected to the DSS database, said runtime offer compiler including means for extracting new and updated initiatives from the DSS database and means for transferring said new and updated initiatives to the runtime offer database, wherein said runtime offer database is part of the runtime offers subsystem (col. 10, lines 19 – 29; Figures 5 and 8; The reference discloses inserting special offers from the offers database into the (runtime) database where the offers will be put into effect for each qualifying customer.); and

a runtime offer evaluator connected to the runtime offer database, said runtime offer evaluator including means for extracting key values from a sales request received from a marketing host, means for creating key structures using said key values, means for compressing said key structures into a series of key-paths, and means for searching said runtime offer database using the key-paths to determine an initiative that is most relevant to the sales request (col. 6, lines 13 – 19; The reference discloses receiving a sales request at check-out, associating a purchased product with a customer account, and determining whether a special offer is available for that product.).

As per claim 20, Day et al. discloses the sales manager of claim 19, wherein said runtime offer evaluator further comprises:

means for sending the most relevant initiative to the marketing host (col. 6, lines 19 – 49; The reference discloses showing customers the most applicable special offers based on the customer criteria, the product, and the targeted offer parameters.); and

means for tracking initiatives that are presented to customers to assist in market analysis (col. 14, lines 46 – 58; The reference discloses tracking the purchase history of the customer, including whether or not the customer accepted an initiative.).

As per claim 21, Day et al. discloses a method for creating a marketing initiative comprising the steps, performed by a processor, of:

inputting a set of new initiatives, wherein each initiative includes an initiative time period and an initiative description (col. 3, lines 60 – 62; col. 7, lines 13 – 26; The reference discloses inputting offer parameters for new initiatives, including when the offer is to expire.); and

associating customer selection criteria with each new initiative (col. 3, line 62 – col. 4, line 24; col. 7, lines 18 – 22; The reference discloses associating various customer selection criteria such as brand loyalty, purchasing frequency and other criteria with the offer parameters.).

While Day et al. discloses determining which initiatives were effective (col. 8, lines 9 – 17), Day et al. does not expressly disclose determining a likelihood that each new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests; and providing a result indicating the effectiveness of the new initiative.

Simons et al. discloses determining a likelihood that each new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests (col. 3, lines 56 – 62; col. 9, lines 15 – 21, 37 – 40, 51 – 58 and 62 – 67; The references discloses predicting the likelihood that a new

initiative will be effective using stored statistics based on characteristics from past initiatives such as purchasing trends, group buying behavior and individual price sensitivity.); and

providing a result indicating the effectiveness of each new initiative (col. 9, lines 51 – 58; The reference discloses providing the results indicating the effectiveness of new initiatives via transaction reports.).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to determine a likelihood that a new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests and provide a result indicating the effectiveness of each new initiative because doing so provides businesses with historical and proven evidence to develop effective and successful marketing campaigns (Simons et al., col. 9, lines 53 – 55; col. 10, lines 2 – 6). Furthermore, it is old and well known in the art to use historical statistics to predict a likelihood of success of a marketing offer.

As per claim 22, Day et al. discloses the method of claim 21, further comprising: selectively storing in a database new initiatives from the set of new initiatives (col. 3, lines 23 – 28).

Day et al. does not expressly disclose storing the set of new initiatives based on the result associated with each new initiative in the set.

Simons et al. discloses storing the set of new initiatives based on the result associated with each new initiative in the set (col. 9, lines 37 – 51; Figures 1 and 5).



At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to store the new initiative based on the result because doing so allows businesses to maintain and monitor information about the effectiveness and success rate of initiatives, which ultimately allows them to develop improved marketing strategies.

As per claim 23, Day et al. discloses the method of claim 22, further comprising:  
determining an impact of each new initiative on other new initiatives in the set of new initiatives and other initiatives stored in the database (col. 6, lines 1 – 12; col. 7, lines 32 – 36; The references discloses a possibility for excluding certain special offers from broadcast if it is determined that other offers will be more valuable to certain customers.).

As per claim 24, Day et al. discloses a data processing system for creating a marketing initiative, comprising:

a memory having program instructions (col. 3, lines 39 – 42 and 57 – 67; col. 4, lines 1 – 9; Figure 1; The reference discloses a supervisory computer used to perform special offer maintenance.); and

a processor responsive to the program instructions to input offer parameters for a new initiative, including an initiative time period and an initiative description (col. 3, lines 60 – 62; col. 7, lines 13 – 26; The reference discloses inputting offer parameters for new initiatives, including when the offer is to expire.) and associate customer selection criteria with the offer parameters (col. 3, line 62 – col. 4, line 24; col. 7, lines 18 – 22;

The reference discloses associating various customer selection criteria such as brand loyalty, purchasing frequency and other criteria with the offer parameters.).

While Day et al. discloses determining which initiatives were effective (col. 8, lines 9 – 17), Day et al. does not expressly disclose determining a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests; and providing a result indicating the effectiveness of the new initiative.

Simons et al. discloses determining a likelihood that the new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests (col. 3, lines 56 – 62; col. 9, lines 15 – 21, 37 – 40, 51 – 58 and 62 – 67; The references discloses predicting the likelihood that a new initiative will be effective using stored statistics based on characteristics from past initiatives such as purchasing trends, group buying behavior and individual price sensitivity.); and

providing a result indicating the effectiveness of the new initiative (col. 9, lines 51 – 58; The reference discloses providing the results indicating the effectiveness of new initiatives via transaction reports.).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to determine a likelihood that a new initiative will be effective using stored statistics reflecting hit rates based on characteristics of past initiatives with past sales requests and provide a result indicating the effectiveness of the new initiative because doing so provides businesses with hard evidence to develop effective and

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successful marketing campaigns (Simons et al., col. 9, lines 53 – 55; col. 10, lines 2 – 6). Furthermore, it is old and well known in the art to use historical statistics to predict a likelihood of success of a marketing offer.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Tai (U.S. 4,908,761) discusses a system for identifying consumer purchasing trends and predicting consumer response patterns;
- Merriman et al. (U.S. 5,948,061) discusses a method for targeting the delivery of advertisements;
- Walter et al. (U.S. 6,334,110) discusses a system for analyzing customer behavior;
- Sizer et al. (U.S. 5,923,252) discusses a marketing system;
- Anderson et al. (U.S. 6,078,892) discusses a method for retrieving data from a database including pre-scoring records;
- Fayyad et al. (U.S. 6,374,251) discusses a data mining system for finding clusters of data in a database; and
- Van Auken et al. "An Empirical Analysis of Small Business Advertising," *Journal of Small Business Management* v30n2, April 1992, discusses the effectiveness of various advertising used by small business.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Thursday from 8:30am to 5:30pm and every other Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***


***Washington D.C. 20231***

or faxed to:

703-305-7687 [Official Communications; including After Final  
communications labeled "Box AF"]

703-746-7202 [For status inquiries, draft communication, labeled  
"Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA 7<sup>th</sup> floor receptionist.

  
CMC  
July 31, 2002

  
**TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**